

U.S. Serial No. 09/931,626
Amendment
Response to OA dated October 7, 2005

Atty. Docket No. 032207-01100.

REMARKS

Claims 1-50 are pending. Claim 30 is amended. The Office Action mailed October 7, 2005, has been received and its contents carefully reviewed. Applicants respectfully request reconsideration of this application in light of the following remarks.

A. 35 U.S.C § 101 Rejection

In the Office Action, claim 30 was rejected under 35 U.S.C. §101 as being drawn to non-statutory subject matter, *i.e.*, claiming humans.

Applicant has amended Claim 30 for clarification.

Reconsideration and withdrawal of the §101 rejection of claim 30 is respectfully requested.

B. 35 U.S.C. § 103 Rejections

Claims 1-29 and 31-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable for obviousness in view of U.S. Patent No. 6,278,993 to Kumar. Applicants respectfully traverse the rejection for the reasons set forth below.

Kumar is generally directed toward a method of searching the Internet and providing a user with related, independently-searched information depending upon the first search parameters, *i.e.*, a general search engine. Specifically, Kumar describes a method of first searching a list of databases, and then conducting a related search based upon the results of the first search page.

In contrast, the present invention is directed to a method of searching the Internet using both a cached list of web pages, including pricing information, and also other non-indexed pages. Additionally, content information from vendor sites may be displayed in some form, in order to provide the user with access to promotional material available on vendor sites.

U.S. Serial No. 09/931,626
Amendment
Response to OA dated October 7, 2005

Atty. Docket No. 032207-01100.

Independent claims 1 and 34 of the present invention, for example, are directed to a searching method to display pricing information and promotional information for e-vendor websites, with the steps of first checking a local database to find a match to a user query, where the user query relates to at least one product that the user desires to find product information for, from at least one available website; if the local database contains at least one match to the user query, then accepting a selection input from the user, where the user refines the user query by specifically selecting at least one product; determining whether the local database has cached product information relating to the product within specified time constraints; if the local database has not cached the product information within the specified time limit, polling the available website, where the product information for the selected product is retrieved and is cached by the local database; and displaying the polling results to the user, where the user may locate the available website offering the product associated with the desired product information.

Independent claim 32 of the present invention is directed to a system for conducting a searching method to display pricing information and promotional information for e-vendor websites, having at least one sub-server, where the sub-server sends requests to and receives replies from at least one available website based on a user query; a server, connected to the sub-server, where the server communicates the user query to and controls the operation of the sub-server; and a local database, connected to the server, where the local database stores product and promotional information and where the local database is updated at specific time intervals or at a request from the user.

As described above, independent claims 1, 32 and 34 are directed to a system and methods for conducting a search of vendor and other websites based upon user criteria, where the search initially searches a local database of cached product information from various websites, and then, upon selection, determines if the information is up-to-date, and may refresh the data at the vendor website, if necessary.

U.S. Serial No. 09/931,626
Amendment
Response to OA dated October 7, 2005

Attr. Docket No. 032207-01100.

Kumar makes no mention of searching a local database for cached product information, and also makes no mention of refreshing product information when a pre-determined time has elapsed since the data was taken. Instead, Kumar focuses on searching websites and displaying the information to the user in a particular format. The portions of Kumar cited in the Office Action as pertinent (col. 16, lines 51 *et. seq.*) illustrate additional aspects of this formatting, including templates, scripts and passwords.

Also, in independent claim 32 and in dependent claims 16-32, the system and method of the present invention further includes polling a website for, and displaying, promotional information. Applicant has distinguished between product information and promotional information, describing promotional information as "interesting and informative content to engage shoppers, keep them at the e-commerce website longer than at a competitor's website, and to compel the shoppers to return again and again" (specification, p. 29, lines 17-20). This content includes "shopping news or promotional information (specification, p. 30, lines 3-7) Kumar makes no mention of providing site content information beyond product information in response to a user query.

Since Kumar fails to teach or suggest each and every element cited in independent claims 1, 32 and 34, and as a general search engine is only generally relevant to the claimed subject matter herein, Applicant respectfully submits that Kumar fails to render the present invention unpatentable because of obviousness. Therefore, Applicant respectfully requests that the rejection of independent claims 1, 32 and 34 under 35 U.S.C. § 103(a) be withdrawn.

Similarly, with regard to dependent claims 2-29 and 31, as well as claim 30, incorporating additional features, and dependent upon claim 1, with regard to dependent claim 33 incorporating additional features, and dependent upon claim 32, and with regard to dependent claims 35-50 incorporating additional features, and dependent upon claim 34, Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn at least for the reasons set forth above with regard to independent claims 1, 32 and 34.

U.S. Serial No. 09/931,626
Amendment
Response to OA dated October 7, 2005

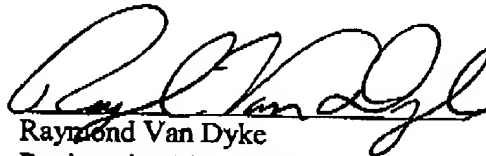
Atty. Docket No. 032207-01100.

C. Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that the outstanding rejections have been overcome and the case is now in condition for allowance. Applicants, accordingly, respectfully request that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to charge any overage or shortage of fees connected with filing of this Amendment to Deposit Account No. 19-2380.

Respectfully submitted,



Raymond Van Dyke
Registration No. 34,746

NIXON PEABODY LLP
Customer No. 22204
401 9th Street, N.W.
Suite 900
Washington, DC 20004-2128
(202) 585-8000
(202) 585-8080 fax

RVD/plw:lms